



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Program
441 G Street, NW
Washington, D.C. 20314-1000

Wetland Delineation Manual
Atlantic & Gulf Coastal Supplement

Public Notice No.

July 18, 2007

Public Notice Date

September 17, 2007

Expiration Date

PURPOSE

The purpose of this public notice is to inform you of a proposed change in law, regulation, or policy pertaining to the Department of the Army Regulatory Program and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest and the implementation of the Regulatory Program.

SECTION 10

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404

The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and other natural ponds. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.



DEPARTMENT OF ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
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PUBLIC NOTICE
Comment Period July 18 to September 17, 2007

The U.S. Army Corps of Engineers, Tulsa District, announces the availability of the **Draft Atlantic & Gulf Coast Regional Supplement to the 1987 Wetland Delineation Manual** (Environmental Laboratory 1987). This draft was developed by regional expert delineators with input from state and Federal agencies, academia and other local experts. It is being peer reviewed by a panel of independent scientists, the report from which will be available upon request. This draft is also being field tested by interagency teams of state and Federal agencies to determine the clarity and ease of use of the document and whether its use will result in any spatial changes in wetland jurisdiction for Clean Water Act Section 404 purposes. The draft is available at:

http://www.usace.army.mil/cw/cecwo/reg/reg_supp.htm

We are specifically seeking public input, including scientific information/data, on the proposed hydrology, soils and vegetation indicators and data collection procedures in this draft document. Reviewers may wish to field test this manual as part of their evaluation and comment. The protocol for this testing is to perform wetland delineations using both (1) the 1987 Wetland Delineation Manual with current supplemental guidance and (2) the 1987 Manual with this draft regional supplement on the same data points. Reviewers should include data sheets from both the manual and the draft supplement, maps indicating data collection points (upland and wetland) and a completed questionnaire for each delineation point. The Field Testing Protocol is available at the same website above.

Comments: Comments must be submitted by September 17, 2007, to **Ms. Katherine Trott (CECW-LRD)**, U.S. Army Corps of Engineers, 441 G. Street, NW, Washington DC 20314-1000 or by e-mail to **1987Manual@usace.army.mil**. Another public notice will be issued by this district announcing the publication of the final supplement and the implementation date of this supplement.

Reference

Environmental Laboratory. (1987). "Corps of Engineers Wetland Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS. (<http://el.erdc.usace.army.mil/wetlands/pdfs/wlman87.pdf>)

Attachments

Field Testing Protocol

Atlantic and Gulf Coastal Plain Regional Supplement

Organization of field testing teams:

District Offices of the Corps of Engineers in the Atlantic and Gulf Coastal Plain Region (see the list of District coordinators at the end of this document) will coordinate and oversee the field testing of the draft Regional Supplement. Field testing will be done in cooperation with regional NRCS, EPA, FWS, and other interested federal and state agencies and universities.

Field teams will consist of available interagency experts, with the constraint that each team must include an experienced botanist and a soil scientist to ensure the accuracy and reliability of the basic data.

If needed, the District coordinator will provide team members with an introduction to the Regional Supplement and will explain any new or unfamiliar indicators as necessary to avoid confusion over interpretation of the indicators.

Site Selection:

Testing teams should focus on areas where permitting activity is high. There is no need to sample remote areas unless convenient opportunities arise.

Sample a number of typical wetland sites in each District or subregion, plus a selection of available “problem” situations. Problem situations should include, if possible, areas with unusual plant communities or soil types that may lack indicators, requiring use of Chapter 5 (Difficult Wetland Situations in the Atlantic and Gulf Coastal Plain Region) to make the wetland determination.

Approach:

The basic testing approach is to document at least 2 sampling points at each field site, one point in the wetland and one point in the adjacent upland, and determine the location of the wetland boundary between them. The team should collaborate to make the determination and documentation as accurate as possible. Follow these general steps:

1. Document each sampling point based on existing practice (i.e., 1987 Manual with existing guidance memos and existing local interpretation). For each point, completely fill out the old (1992) wetland determination data form. Locate the wetland boundary based on current practice.

2. Document each point using the new (Regional Supplement) data form. Locate the wetland boundary based on indicators and guidance given in the Regional Supplement.
3. If the two wetland boundaries are different, measure the distance between them.
4. Fill out the attached questionnaire (one copy per field site) to help explain any differences seen in the two methods.
5. For each field site sampled, submit the following items to the appropriate District coordinator:
 - a. Completed 1992 and Regional Supplement data forms for each sampling point
 - b. Sketch map of the site with sampling points, wetland boundaries, and any other important features indicated
 - c. One copy of the Field Evaluation Questionnaire
 - d. Optional brief report as necessary to explain test results

List of Corps District Coordinators in the Atlantic and Gulf Coastal Plain Region:

Charles Allred, U.S. Army Engineer District, Vicksburg, MS, 601-631-5546
James Clark, U.S. Army Engineer District, Memphis, TN, 901-544-0735
Andrew Commer, U.S. Army Engineer District, Tulsa, OK, 918-669-7616
John Davidson, U.S. Army Engineer District, Galveston, TX, 409-766-3933
Thomas Fischer, U.S. Army Engineer District, Savannah, GA, 229-430-8566
Randy Fowler, U.S. Army Engineer District, Charleston, SC, 843-329-8134
Michael Hayduk, U.S. Army Engineer District, Philadelphia, PA, 215-656-5822
Robert Heffner, U.S. Army Engineer District, New Orleans, LA, 504-862-2274
David Knepper, U.S. Army Engineer District, Norfolk, VA, 757-201-7488
David Lekson, U.S. Army Engineer District, Wilmington, NC, 252-975-1616 x22
David Madden, U.S. Army Engineer District, Fort Worth, TX, 817-886-1741
Frank Plewa, U.S. Army Engineer District, Baltimore, MD, 717-249-2522
Stuart Santos, U.S. Army Engineer District, Jacksonville, FL, 904-232-2018
Tim Scott, U.S. Army Engineer District, Little Rock, AR, 501-324-5295
Michael Vissichelli, U.S. Army Engineer District, New York, NY, 917-790-8520
Tad Zebryk, U.S. Army Engineer District, Mobile, AL, 251-694-3779

WETLAND DELINEATION FIELD EVALUATION QUESTIONNAIRE

This questionnaire should be completed for each boundary delineation performed. The assumption is that two communities were evaluated, one wetland (= "lower community") and one upland (= "upper community") so that a boundary between them could be identified. Fill in the blanks or check spaces as appropriate. Attach copies of the completed field data forms.

Site Name or Location _____ **Date** _____
Evaluator(s) _____ **Affiliation(s)** _____

General Site Characteristics

Is the site ___typical or ___problematic? *If problematic, explain:* _____

Wetland (lower community)

Ecological System: ___Saline Tidal ___Fresh Tidal ___Fresh Nontidal ___Saline Nontidal
Wetland Type: ___Forested ___Shrub ___Emergent ___Moss/Lichen ___Farmed (hay or crop)
___Other (specify: _____)
HGM Class: ___Depression ___Riverine ___Fringe ___Slope ___Flat
Vegetative Cover: ___Dense ___Evenly Mixed w/Nonvegetated ___Sparse

Nonwetland (upper community)

Habitat Type: ___Forest ___Shrub ___Meadow/Prairie ___Moss/Lichen ___Farmed
___Other (specify: _____)

1. Was there a marked difference in the two plant communities? ___Yes ___No
2. Was there a gradual change in vegetation between the two communities creating a significant "transition zone" between? ___Yes ___No. If so, how wide was this transition zone? _____feet
3. Was there an abrupt topographic change between the two communities? ___Yes ___No

Boundary Determination

Compare results from the two methods: (1) current practice using the 1987 Manual and guidance memos, and (2) 1987 Manual with the draft Regional Supplement.

1. The wetland boundary was: ___the same or ___different.
2. If different, which method produced the boundary higher on the landscape?
___Manual with current guidance or ___Manual with Regional Supplement
3. What was the linear distance between the two boundaries? _____feet
4. What type of indicator(s) were responsible for the difference in the boundaries?
___Hydrophytic vegetation ___Hydric soil ___Wetland hydrology (*check all that apply*)

Assessment of the Indicators

Hydrophytic Vegetation

1. Did the lower community pass the current basic test for hydrophytic vegetation (i.e., >50% of the dominants had an indicator status of FAC or wetter, *excluding FAC-*)? ☐ Yes ☐ No
2. Did the lower community pass the “dominance test” in the Regional Supplement (i.e., >50% of the dominants were FAC or wetter, *counting FAC- as FAC*)? ☐ Yes ☐ No
3. What other indicators of hydrophytic vegetation were observed in the lower community?
 - a) List those from the Manual with current guidance: _____

 - b) List those from the Regional Supplement: _____

4. Was the vegetation in the lower community a problematic wetland community type?
☐ Yes ☐ No. *If so, briefly describe and explain how the problem was handled* _____

5. Did the upper community pass the current basic test for hydrophytic vegetation (i.e., >50% of the dominants had an indicator status of FAC or wetter, *excluding FAC-*)? ☐ Yes ☐ No
6. Did the upper community pass the “dominance test” in the Regional Supplement (i.e., >50% of the dominants were FAC or wetter, *counting FAC- as FAC*)? ☐ Yes ☐ No
7. What other indicators of hydrophytic vegetation were observed in the upper community?
 - a) List those from the Manual with current guidance: _____

 - b) List those from the Regional Supplement: _____

8. Did both methods reach the same conclusion regarding the presence of hydrophytic vegetation for the upper community? ☐ Yes ☐ No. *If not, briefly explain* _____

9. Were the hydrophytic vegetation indicators in the Regional Supplement clearly described and easy to apply? ☐ Yes ☐ No. *If not, briefly explain* _____

Hydric Soil

1. Did both methods find indicators of hydric soil in the lower community? ___Yes ___No
 - a) List those from the Manual with current guidance: _____

 - b) List those from the Regional Supplement: _____

2. Did the lower community contain a problematic hydric soil (i.e., one that lacked indicators)? ___Yes ___No. *If so, briefly describe the problem and explain how it was handled:* _____

3. Did both methods reach the same conclusion regarding the presence of hydric soil in the upper community? ___Yes ___No. *If not, briefly explain* _____

- a) List indicators from the Manual with current guidance: _____

- b) List indicators from the Regional Supplement: _____

4. Were the hydric soil indicators in the Regional Supplement clearly described and easy to apply? ___Yes ___No. *If not, briefly explain* _____

Wetland Hydrology

1. Did both methods determine that wetland hydrology was present in the lower community? (Requires 1 primary indicator or 2 secondary indicators.) ___Yes ___No
 - a) List indicators from the Manual with current guidance:
Primary: _____ Secondary: _____

 - b) List indicators from the Regional Supplement:
Primary: _____ Secondary: _____

2. Did the lower community contain a problematic wetland hydrology situation (i.e., one that lacked indicators)?

___Yes ___No. *If so, briefly describe the problem and explain how it was handled:* _____

3. Did both methods reach the same conclusion regarding wetland hydrology for the upper community? ___Yes ___No. *If not, briefly explain*_____

a) List indicators from the Manual with current guidance:

Primary:_____ Secondary:_____

b) List indicators from the Regional Supplement:

Primary:_____ Secondary:_____

4. Were the wetland hydrology indicators in the Regional Supplement clearly described and easy to apply? ___Yes ___No. *If not, briefly explain*_____

Comments on the Regional Supplement

1. Were the indicators and procedures in the Supplement clear and easy to apply?

___Yes ___No. *If not, how could they be improved?*_____

2. In your opinion, did the Regional Supplement make this wetland determination more defensible? ___Yes ___No. *Briefly explain*_____

3. Based on your testing, do you want to recommend other indicators that should be considered for further evaluation? ☐ Yes ☐ No. *List by indicator type:* _____

4. Was the Regional Supplement's field data form complete, understandable, and easy to fill out? ☐ Yes ☐ No. *If not, how could it be improved?* _____

5. Any additional comments or suggestions? _____
